

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES E. JOHNSON
and RONALD J. DARCY

Appeal No. 2001-2681
Application No. 09/167,295

ON BRIEF

Before THOMAS, HAIRSTON, and LEVY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

REQUEST FOR REHEARING

In a decision dated June 26, 2003, the Board affirmed the 35 U.S.C. § 102(e) rejection of claims 1 and 2, and the 35 U.S.C. § 103(a) rejection of claims 1, 2, 8, 15 and 19 through 21.

The Board stated (decision, page 4) that:

Appellants argue (brief, page 7) that in Ikeya "there can be no 'interface' because there are not **two bodies**, as that term implies." The examiner contends (answer, page 5) that Ikeya discloses (Figure 2) a compressive holding pad 60 with an integral heat sink (i.e., heat-discharge fins 60b) and heat spreader (i.e., plate holding part

60a). The examiner explains (answer, pages 12 through 20) that the term "interface" when broadly defined does not necessarily require two separate bodies but could be a thermal "interface" separating different temperature regions in holding pad 60. We agree with the examiner's reasoning that the term "interface" does not necessarily require two different bodies. Nothing in claim 1 on appeal precludes the reading of a "second thermal interface" on different thermal regions that reside in the unitary holding pad 60.

Appellants now argue (request, page 4) that "the term interface, given its broadest reasonable interpretation, requires two or more separate bodies." We disagree. The reading of a claim in light of the specification to interpret broadly worded limitations explicitly recited in the claim is a quite different thing from reading limitations of the specification into a claim to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. In re Prater, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). Thus, we still maintain that a second thermal interface¹ can be the different thermal regions that lie within the unitary holding pad 60.

Appellants' request has been granted to the extent that our decision has been reconsidered, but such request is denied with respect to making any modifications to the decision.

¹ As the attached definition indicates, an "interface" can be an area in a material where regions meet.

Appeal No. 2001-2681
Application No. 09/167,295

No time period for taking any subsequent action in connection
with this appeal may be extended under 37 CFR § 1.136(a).

REHEARING
DENIED

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
STUART S. LEVY)	
Administrative Patent Judge)	

KWH/lp

Appeal No. 2001-2681
Application No. 09/167,295

MARCELLA D. WATKINS
CONLEY ROSE AND TAYON
P O BOX 3267
HOUSTON, TX 77253-3267